



भारत का राजपत्र The Gazette of India

असाधारण

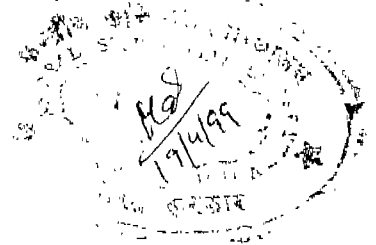
EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 11th January, 1999/Pausa 21, 1920 (Saka)

THE URBAN LAND (CEILING AND REGULATION) REPEAL ORDINANCE, 1999

(No. 5 OF 1999)

Promulgated by the President in the Forty-ninth Year of the Republic of India.

An Ordinance to repeal the Urban Land (Ceiling and Regulation) Act, 1976.

WHEREAS it is considered necessary to repeal the Urban Land (Ceiling and Regulation) Act, 1976;

AND WHEREAS Parliament has no power to make laws for the States with respect to the aforesaid matter except as provided in articles 249 and 250 of the Constitution;

AND WHEREAS in pursuance of clause (2) of article 252 of the Constitution resolutions have been passed by the Legislatures of the States of Haryana and Punjab to the effect that the aforesaid Act should be repealed in those States by Parliament by law;

AND WHEREAS the Urban Land (Ceiling and Regulation) Repeal Bill, 1998 has been introduced in Parliament but has not yet been passed;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give effect to the provisions of the said Bill with certain modifications;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

Short title,
application
and
commence-
ment.

1. (1) This Ordinance may be called the Urban Land (Ceiling and Regulation) Repeal Ordinance, 1999.

(2) It applies in the first instance to the whole of the States of Haryana and Punjab and to all the Union territories; and it shall apply to such other State which adopts this Ordinance by resolution passed in that behalf under clause (2) of article 252 of the Constitution.

(3) It shall come into force in the States of Haryana and Punjab and in all the Union territories at once and in any other State which adopts this Ordinance under clause (2) of article 252 of the Constitution on the date of such adoption; and the reference to repeal of the Urban Land (Ceiling and Regulation) Act, 1976 shall, in relation to any State or Union territory, mean the date on which this Ordinance comes into force in such State or Union territory.

Repeal of
Act 33 of
1976.

2. The Urban Land (Ceiling and Regulation) Act, 1976 (hereinafter referred to as the principal Act) is hereby repealed.

Savings.

3. (1) The repeal of the principal Act shall not affect—

(a) the vesting of any vacant land under sub-section (3) of section 10, possession of which has been taken over by the State Government or any person duly authorised by the State Government in this behalf or by the competent authority;

(b) the validity of any order granting exemption under sub-section (1) of section 20 or any action taken thereunder, notwithstanding any judgment of any court to the contrary;

(c) any payment made to the State Government as a condition for granting exemption under sub-section (1) of section 20.

(2) Where—

(a) any land is deemed to have vested in the State Government under sub-section (3) of section 10 of the principal Act but possession of which has not been taken over by the State Government or any person duly authorised by the State Government in this behalf or by the competent authority; and

(b) any amount has been paid by the State Government with respect to such land, then such land shall not be restored unless the amount paid, if any, has been refunded to the State Government.

Abatement
of legal
proceedings.

4. All proceedings relating to any order made or purported to be made under the principal Act pending immediately before the commencement of this Ordinance, before any court, tribunal or any authority shall abate:

Provided that this section shall not apply to proceedings relating to sections 11, 12, 13 and 14 of the principal Act in so far as such proceedings are relatable to the land, possession of which has been taken over by the State Government or any person duly authorised by the State Government in this behalf or by the competent authority.

K.R. NARAYANAN,

President.

RAGHBIR SINGH,
Secy. to the Govt. of India.